

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

DANIEL SALDIVAR, MICHAEL  
WOLFE, ZURRELL HERNANDEZ,  
CHRISTOPHER HICKS, RONNIE  
SMITH II, LARRY PRUITT, ROBERT  
D. JOHNSON.,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS  
DIRECTOR, SCOTT CROW, in his  
official and individual capacities;  
JOHN/JANE DOE I, II, III, IV,  
(Employees/ Agents of GPCC/DOC), in  
their official and individual capacities;  
JOHN/JANE DOE V, VI, (Shift  
Supervisors and Administrators of  
GPCC), in their official and individual  
capacities,

Defendant.

**CASE NO. CIV-24-442-PRW  
(Removed from Oklahoma County  
District Court Case No: CJ-2024-2320)**

**INVESTIVE REPORT OF REVIEW OF FACTUAL BASIS OF CLAIMS  
ASSERTED IN COMPLAINT PURSUANT TO COURTS ORDER  
FILED ON JUNE 11, 2024 [DOC. 9]**

COME NOW Defendants, by and through the undersigned counsel, and in accordance with the Court's Order filed on June 11, 2024, [Doc. 9] an *Investigative Report* issued by the Court submits herein the written report of review of the subject matter of the Complaint [Doc.1-2] filed on April 9, 2024 in the above action.

Pursuant to said Order a review was made of the above styled case and the following ascertained and determined:

Respectfully submitted,

/s/ Lauren Ray

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*Attorney for Defendants*

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 11th day July 2024, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing. I further that a true and correct copy of the foregoing document was sent to the following who is an ECF registered participant:

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/s/ Lauren J. Ray

Lauren Ray

## Affidavit

State of Oklahoma )  
 )  
County of Oklahoma )

I, Benjamin Betts, duly sworn upon oath, depose and state: I have prepared the attached report regarding CIV-24-442. I am familiar with the contents thereof and the facts set forth therein are true and correct to the best of my information.

  
Benjamin Betts

Subscribed and sworn before me, the undersigned Notary Public in and for the County and State named, on this 11 day of July, 2024.



Diane Ann  
Notary Public

**REPORT TO THE COURT**

**Re: CIV-24-442**

**ALLEGATIONS**

Petitioners are state prisoners who have filed a Complaint under 42 U.S.C. §§ 1981 and 1983, alleging various constitutional violations while incarcerated at the Great Plains Correctional Center (GPCC) in Hinton, Oklahoma.

**Administrative Remedies:**

The Department of Corrections Grievance Procedure is found in OP-090124. (Attachment 1: OP-090124 Inmate/Offender Grievance Process).

The grievance process provides a standard method by which an inmate/offender may seek formal administrative remedies for issues or complaints. (Attachment 1 at p. 1). Inmates are required to file an informal “Request to Staff” prior to filing a formal grievance. A formal grievance may be filed with the reviewing authority, and an appeal may be filed with the appropriate Administrative Review Authority. (Attachment 1 at p. 6-12). In order to exhaust the administrative grievance process, inmates must properly submit an appeal and receive a ruling from the Administrative Review Authority. (Attachment 24 at p. 15).

The DOC grievance procedure allows inmates to file grievance related to a variety of topics including, but not limited to, Complaints against staff and Conditions of Confinement. (See Attachment 1 at p. 6-7).

Grievances must be submitted to the reviewing authority where the incident is alleged to have occurred. (Attachment 1 at p. 11).

Grievances may be submitted directly to the reviewing authority without informal resolution process when the complaint is of a sensitive nature or when substantial risk of personal injury, sexual assault, or other irreparable harm exists. If the complaint involves the reviewing authority, and is of a sensitive nature, the grievance may be brought directly to the Administrative Review Authority. (Attachment 1 at p. 17-18).

If an offender does not receive a response to a Request to Staff, the inmate may file a grievance with the Reviewing Authority to address the lack of response. (Attachment 1 at p. 9-10).

None of the Petitioner's in this case have completed the Department of Corrections Administrative grievance process in regard to Constitutional violations or conditions of confinement issues alleged to have occurred while incarcerated at Great Plains Correctional Center.

As previously noted, completion of the administrative process requires that an appeal be submitted to the Administrative Review Authority. This has not been done with respect to any Petitioner. (See Attachment 2: Affidavit of Mark Knutson RE: Daniel Saldivar #738279; Attachment 3: Affidavit of Mark Knutson RE: Larry Pruitt #258832; Attachment 4: Affidavit of Mark Knutson RE: Christopher Hicks #600267; Attachment 5: Affidavit of Mark Knutson RE: Robert Johnson #760271; Attachment 6: Affidavit of Mark Knutson RE: Zurrell Hernandez #880425; Attachment 7: Affidavit of Mark Knutson RE: Ronnie Smith #573623; Attachment 8: Affidavit of Mark Knutson RE: Michael Wolfe #671170).

Additionally, none of the Petitioners were found to have submitted any formal grievance to Great Plains Correctional Center. (See Attachment 13: Grievance LOG).

Report Writer was able to obtain some, but not all, informal requests to staff documents filed by Petitioners. RTS Documents that could be located are attached. (Attachment 9: Larry Pruitt RTS Documents; Attachment 10: Ronnie Smith RTS Documents; Attachment 11: Christopher Hicks RTS Documents; Attachment 12: Michael Wolfe RTS Document).

None of the Petitioners filed a grievance alleging that their requests had not been answered. (See Attachment 13: GPCC Grievance Log).

None of the named Petitioners have completed the administrative grievance process and have failed to exhaust administrative remedies.

### **ATTACHMENTS**

1. OP-090124 Inmate/Offender Grievance Process
2. Affidavit of Mark Knutson RE: Daniel Saldivar #738279
3. Affidavit of Mark Knutson RE: Larry Pruitt #258832
4. Affidavit of Mark Knutson RE: Christopher Hicks #600267
5. Affidavit of Mark Knutson RE: Robert Johnson #760271
6. Affidavit of Mark Knutson RE: Zurrell Hernandez #880425
7. Affidavit of Mark Knutson RE: Ronnie Smith #573623
8. Affidavit of Mark Knutson RE: Michael Wolfe #671170
9. Larry Pruitt RTS Documents
10. Ronnie Smith RTS Documents
11. Christopher Hicks RTS Documents
12. Michael Wolfe RTS Document
13. GPCC Grievance Log